



Office of Regulatory Staff
1401 Main Street
Suite 900
Columbia, SC 29201
(803) 737-0800
ORS.SC.GOV

JEFFREY M. NELSON
Chief Legal Officer

November 5, 2019

VIA ELECTRONIC FILING

Jocelyn G. Boyd, Esquire
Chief Clerk & Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

RE: Dominion Energy Code of Conduct

Friends of the Earth and Sierra Club, Complainant/Petitioner v. South Carolina Electric & Gas Company, Defendant/Respondent
Docket No. 2017-207-E

Request of the Office of Regulatory Staff for Rate Relief to South Carolina Electric & Gas Company's Rates Pursuant to S.C. Code Ann. § 58-27-920
Docket No. 2017-305-E

Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans
Docket No. 2017-370-E

Dear Ms. Boyd,

The Office of Regulatory Staff ("ORS") responds to the Dominion Energy South Carolina ("DESC" or "Company") submission dated October 17, 2019 regarding the proposed Code of Conduct. DESC's submittal in response to the ORS's recommended additions to the proposed

Code of Conduct does not mirror prior productive and civil discussions between DESC and ORS on this matter and DESC's allegations are unsubstantiated and unwarranted.

The Public Service Commission of South Carolina ("Commission") made the following statement in its Directive issued on January 14, 2019:

"I move we make a clear and unequivocal finding: The Company acted imprudently by not disclosing material, and even potentially decisive, information to ORS and the Commission. Due to the lack of transparency – the lack of forthrightness – with regard to reports and studies available to the Company, this Commission was effectively denied the opportunity to fully consider the prudence of continuing to expend resources on the project with all information available at the time. Under any definition of the term prudence, the Company was imprudent in its actions in this case with regard to costs incurred after March 12, 2015. We agree with ORS that it is essential to restore public trust for this Commission to acknowledge that the regulatory compact between the utility and the regulators was broken by SCE&G."

DESC filed with the Commission on July 1, 2019 under Commission Order No. 2018-804(A) a proposed Code of Conduct. In order to seek more detailed, transparent, and effective protection for DESC's customers, ORS filed a response with the Commission on August 2, 2019. ORS recommended the Commission require additional customer protections that DESC's parent company and affiliates already provide to its North Carolina customers. Mirroring these protections for South Carolina ratepayers is not "improper" as alleged by DESC.

In its response on August 2nd, ORS described the "good-faith collaborative effort between DESC and ORS" in working to compile the Code of Conduct for the Commission's review. During that collaborative process, ORS explained to DESC, on multiple occasions, that ORS desired South Carolina customers to have certain protections which are included in the North Carolina Code of Conduct provisions. At that time, DESC respectfully disagreed, provided no basis to ORS for the disagreement, and did not include certain ORS recommended revisions in the proposed Code of Conduct filed by the Company on July 1, 2019. DESC's October 17th letter attempts to minimize ORS's recommendations for additional customer protections. DESC claims, among a laundry list of criticisms, that ORS's recommendations lack substance and, specifically, are "wasteful and unnecessary" and "disconnected from real world concerns" (p. 3)

ORS consistently maintains that the additional recommended provisions afford valid consumer protections that fulfill the intent of Commission Order No. 2018-804(A), specifically the "duty to avoid the concealment, omission, misrepresentation, or nondisclosure of any material fact or information" (p. 102). Further, ORS informed DESC that ORS would file a separate letter in response to the Company's Code of Conduct filing with the Commission and provided DESC with a copy of the ORS letter and addendum prior to filing the same with the Commission. The Company made no response to either this correspondence or Commission filing until October 17th.

In its letter, DESC claims that “ORS made no substantive response to [the request for specific concerns, problems, or practices related to DESC’s operations in South Carolina], but instead relied on the fact that the Additional North Carolina Provisions had been adopted in North Carolina” (p. 2). This statement is incorrect. On numerous occasions, ORS explained to DESC its rationale for the specific North Carolina provisions it recommended be included in the final Code of Conduct. These explanations were tied to the Commission Order requiring the Code of Conduct be filed and would promote transparency in the Company’s operations and compliance with the Commission’s Order.

ORS takes this opportunity to, in a transparent manner, address the ORS recommendations, the Company’s allegations, and ORS’s responses to the Company’s allegations.

ORS Proposed Addendum #1: Non-Discrimination

ORS proposed a non-discrimination clause similar to the one included in the North Carolina Code of Conduct for DENC and PSNC to ensure equality in the Company’s various affiliate transactions and the manner in which it responds to customer requests for information. The North Carolina Code provision prohibits discrimination against non-affiliated entities. This section requires that the companies or employees of the companies abide by certain non-discriminatory practices, including avoiding giving preferences to affiliate relative to non-affiliates, apply tariffs equally, and provide consistency in the response and approach to requests for service. ORS concluded in its August 2nd letter that a similar provision should be added to the Code to ensure impartiality in business dealings as required in Order No. 2018-804.¹

ORS recommended the inclusion of the following language with respect to this provision:

1. General – DESC’s employees and representatives shall not unduly discriminate against non-Affiliated entities.
2. Preferences – In responding to requests for electric services, natural gas services, or both, DESC shall not provide any preference to DESC, another Affiliate, or a Non-Regulated utility operation, or to any customers of such an entity, as compared to non-Affiliates or their customers. Moreover, neither DESC, Dominion Energy, nor any other Affiliates shall represent to any person or entity that Dominion Energy, another Affiliate, or a Non-Regulated utility operation will receive any such preference.
3. Application of Tariffs – DESC shall apply the provisions of their respective tariffs equally to Dominion Energy, the other Affiliates, the Non-Regulated utility operations, and non-Affiliates.
4. Requests for Service:
 - a. DESC shall process all similar requests for electric services, natural gas services, or both, in the same timely manner, whether requested on behalf of Dominion

¹ Order No. 2018-804 reads, in part, that “SCE&G shall not engage in improper self-dealing with other Dominion affiliates where there are competitive alternatives” (at pp. 100-101).

Energy, another Affiliate, a Non-Regulated utility operation, or a non-Affiliated entity.

- b. DESC shall treat similarly situated shippers in the same manner with respect to the delivery of gas on distribution facilities, contract terms, the scheduling of gas supplies, balancing provisions, and allocation of gas supplies and capacity at city gate stations.
 - c. DESC shall post on its website its criteria for evaluating proposals from shippers. DESC shall not give one shipper any form of preference over other similarly situated shippers in matters relating to assignment, release, or other transfer of capacity rights on interstate pipeline systems.
5. Speaking for Utility – No Personnel of DESC, Dominion Energy, or another Affiliate shall indicate, represent, or otherwise give the appearance to another party that DESC or another Affiliate speaks on behalf of DESC; provided, however, that this prohibition shall not apply to employees providing shared services or to employees of another Affiliate to the extent explicitly provided for in an affiliate agreement that has been accepted by the Commission. In addition, no Personnel of a Non-Regulated utility operation shall indicate, represent, or otherwise give the appearance to another party that they speak on behalf of DESC's regulated public utility operations.
6. Advantages – No Personnel of DESC, another Affiliate, or a Non-Regulated utility operation shall indicate, represent, or otherwise give the appearance to another party that any advantage to that party with regard to electric services or natural gas services exists as the result of that party dealing with DESC, another Affiliate, or a Non-Regulated utility operation, as compared with a non-Affiliate.
7. Tying – DESC shall not condition or otherwise tie the provision or terms of any electric services or natural gas services to the purchasing of any goods or services from, or the engagement in business of any kind with, DESC, another Affiliate, or a Non-Regulated utility operation.
8. Information to Customers:
 - a. When any DESC personnel receives a request for information from or provides information to a Customer about goods or services available from DESC, another Affiliate, or a Non-Regulated utility operation, the personnel shall advise the Customer that such goods or services may also be available from non-Affiliated suppliers.
 - b. All DESC information pertaining to interstate pipeline transportation, storage, distribution, or gas supply that is provided to a gas marketing affiliate shall be made available to all shippers on a contemporaneous, nondiscriminatory, and non-preferential basis by posting the information on its website and provided in a written form upon the request of a shipper. Aggregate customer information and market data made available to shippers shall be made available on a similar basis.
 - c. DESC shall post on its website a current list of contact persons and telephone numbers of all gas marketers that are active on its system.

9. Disclosure of Customer Information – Disclosure of Customer Information to DESC, another Affiliate, or a Non-Regulated utility operation, or a non-Affiliated entity shall be governed by Sections III(D) and IV(D) of this Code of Conduct.
10. Unless otherwise directed by order of the Commission, electric generation shall not receive a priority of use from DESC that would supersede or diminish DESC's provision of service to its human needs firm residential and commercial customers.²
11. DESC shall file an annual report with the Commission summarizing all requests or inquiries for natural gas services made by a non-utility generator, DESC's response to the request, and the status of the inquiry.

Company Response. DESC failed to provide to the Commission any specific rationale for why ORS's proposed addition did not reflect the content and intention of Commission Order 2018-804(A). Further, the Company did not provide any material support as to how this addition would contribute to unjustified "burden and expense."

ORS Response. Additional guidance related to the business operations of non-affiliated entities ensures equality in affiliate and non-affiliate transactions which will benefit the customer.

ORS Proposed Addendum #2: Marketing

ORS proposed a marketing clause similar to that provided in the North Carolina Code of Conduct for DENC and PSNC. This clause outlines certain provisions that define how the companies may jointly market sales, calls, proposals, and advertising with affiliates and non-regulated utility operations. This section of the Code of Conduct approved by the NCUC requires the use of certain disclaimers when affiliates use either the names or logos of DENC or PSNC in any form of communication within these companies' North Carolina service territories. Similar provisions are imposed with respect to disclaimers required of Non-regulated utility operations representing either DENC or PSNC in communications within the same service territories. ORS concluded that a similar provision in this Code of Conduct for DESC would ensure transparency in any marketing materials or similar communication circulated by DESC affiliates.

ORS recommended the inclusion of the following language with respect to this provision:

1. Joint Marketing – The public utility operations of DESC may engage in joint sales, joint sales calls, joint proposals, or joint advertising (a joint marketing arrangement) with their Affiliates and with their Non-Regulated utility operations, subject to compliance with other provisions of this Code of Conduct and any conditions or restrictions that the Commission may hereafter establish. DESC shall not otherwise engage in such joint activities without making such opportunities available to comparable third parties
2. Affiliate Disclaimers – Neither DESC nor any of the other Affiliates shall use the name or logo of DESC in any communications targeted at DESC's South Carolina service territories without the following disclaimers:

² PSNC agreed to this provision in North Carolina.

- a. “[Dominion Energy/Affiliate] is not the same company as DESC, and [Dominion Energy/Affiliate] has separate management and separate employees;”
- b. “[Dominion Energy/Affiliate] is not regulated by the Public Service Commission of South Carolina or in any way sanctioned by the Commission;”
- c. “Purchasers of products or services from [Dominion Energy/Affiliate] will receive no preference or special treatment from DESC;” and
- d. “A customer does not have to buy products or services from [Dominion Energy/Affiliate] in order to continue to receive the same safe and reliable electric or natural gas service from DESC.”

3. Non-Regulated Utility Operations Disclaimers:

- a. Non-Regulated utility operations may not use the name or logo of DESC in any communications targeted at DESC’s South Carolina service territories without the following disclaimer:
 - i. “[Name of product or service being offered by Non-Regulated utility operation] is not part of the regulated services offered by DESC and is not in any way sanctioned by the Public Service Commission of South Carolina.”
- b. DESC's Non-Regulated utility operations may not use the name or logo of DESC in any communications targeted at DESC’s South Carolina service territory without the following disclaimers:
 - i. “Purchasers of [name of product or service being offered by Non-Regulated utility operation] from [Non-Regulated utility operation] will receive no preference or special treatment from DESC;” and
 - ii. “A customer does not have to buy this product or service from [Non-Regulated utility operation] in order to continue to receive the same safe and reliable electric service from DESC.”

The required disclaimers in this Part 3(b) of this subsection must be sized and displayed in a way that is commensurate with the name and logo so that the disclaimer is at least the larger of one-half the size of the type that first displays the name and logo or the predominant type used in the communication.

Company Response. DESC failed to provide to the Commission any specific rationale for why ORS’s proposed addition did not reflect the content and intention of Commission Order 2018-804(A). Further, the Company did not provide any material support as to how this addition would contribute to unjustified “burden and expense.”

ORS Response. Additional guidance for disclaimers around affiliate marketing materials bearing the Company name ensures transparency for customer that may not otherwise be provided absent this requirement.

ORS Proposed Addendum #3: Compliance Officer

ORS proposed a provision for a compliance officer, a position provided for North Carolina customers in the North Carolina Code of Conduct for DENC and PSNC. This provision requires that the companies designate an individual (i.e., a chief compliance officer) who will be responsible for the companies' compliance with the Code of Conduct. This individual's name and contact information are also to be made public on these companies' websites. ORS concluded that a similar provision in this Code of Conduct for DESC would be a transparent and pragmatic approach to facilitate compliance with the merger conditions and the Code of Conduct approved by the Commission.

ORS recommended the inclusion of the following language with respect to this provision:

1. Designation of Chief Compliance Officer – DESC shall designate a chief compliance officer who will be responsible for compliance with the Merger Conditions and Code of Conduct. This person's name and contact information must be posted on DESC's Internet Websites.

Company Response. DESC failed to provide to the Commission any specific rationale for why ORS's proposed addition did not reflect the content and intention of Commission Order 2018-804(A). Further, the Company did not provide any material support as to how this addition would contribute to unjustified "burden and expense."

ORS Response. ORS believes that the intent of the Code of Conduct ordered by this Commission is to ensure that the Company "avoid[s] the concealment, omission, misrepresentation, or nondisclosure of any material fact or information in any proceeding or filing before the Commission or ORS." A compliance officer is provided to DESC's North Carolina customers and serves as the individual responsible for ensuring the North Carolina Code of Conduct requirements are being fulfilled. It is unfathomable that the Company argues that South Carolina customers should not be afforded the services of a compliance officer. The Company's NC Compliance Officer may be able to serve both jurisdictions.

ORS Proposed Addendum #4: Customer Information

ORS proposed the inclusion of a customer information provision similar to the one detailed in the North Carolina Code of Conduct for DENC and PSNC. In North Carolina, this clause outlines provisions for sharing customer information between the companies, Dominion Energy, and other affiliates. ORS concluded that a similar provision in the Code of Conduct for DESC would define the manner in which Customer Information may be shared among DESC, Dominion Energy, and other affiliates and would protect such information from unauthorized disclosure.

ORS recommended the inclusion of the following language with respect to this provision:

1. Upon request, and subject to the restrictions and conditions contained herein, DESC may provide Customer Information to Dominion Energy or another Affiliate under the

same terms and conditions that apply to the provision of such information to non-Affiliates. In addition, DESC may provide Customer Information to its Non-Regulated utility operations under the same terms and conditions that apply to the provision of such information to non-Affiliates.

2. Except as provided in Part 6 of this subsection, Customer Information shall not be disclosed to any Affiliate or non-affiliated third party without the Customer's consent, and then only to the extent specified by the Customer. Consent to disclosure of Customer Information to Affiliates of DESC or to DESC's Non-Regulated utility operations may be obtained by means of written, electronic, or recorded verbal authorization upon providing the Customer with the information in a format that is otherwise acceptable to the Public Service Commission of South Carolina; provided, however, that DESC retain such authorization for verification purposes for as long as the authorization remains in effect. Written, electronic, or recorded verbal authorization or consent for the disclosure of DESC's Customer Information to DESC's Non-Regulated utility operations is not required.
3. If the Customer allows or directs DESC to provide Customer Information to Dominion Energy, another Affiliate, or to DESC's Non-Regulated utility operations, then DESC shall ask if the Customer would like the Customer Information to be provided to one or more non-Affiliates. If the Customer directs DESC to provide Customer Information to one or more non-Affiliates, the Customer Information shall be disclosed to all entities designated by the Customer contemporaneously and in the same manner.
4. This subsection shall be permanently posted on DESC's website(s).
5. No DESC employee who is transferred to Dominion Energy or another Affiliate shall be permitted to copy or otherwise compile any Customer Information for use by such entity except as authorized by the Customer pursuant to Part 2 of this subsection. DESC shall not transfer any employee to Dominion Energy or another Affiliate for the purpose of disclosing or providing Customer Information to such entity.
6. Notwithstanding the prohibitions established by this subsection:
 - a. DESC may disclose Customer Information to any other Affiliate or a non-affiliated third party without Customer consent to the extent necessary for the Affiliate or non-affiliated third party to provide goods or services to DESC and upon the written agreement of the other Affiliate or non-affiliated third party to protect the confidentiality of such Customer Information. To the extent the Commission approves a list of services to be provided and taken pursuant to one or more utility-to-utility service agreements, then Customer Information may be disclosed pursuant to the foregoing exception to the extent necessary for such services to be performed.
 - b. DESC may disclose Customer Information to its Non-Regulated utility operations without Customer consent to the extent necessary for the Non-Regulated utility operations to provide goods or services to DESC and upon the written agreement of the Non-Regulated utility operations to protect the confidentiality of such Customer Information.

- c. DESC may disclose Customer Information if a state or federal regulatory agency or court of competent jurisdiction over the disclosure of the Customer Information requires the disclosure.
7. DESC shall take appropriate steps to store Customer Information in such a manner as to limit access to those persons permitted to receive it and shall require all persons with access to such information to protect its confidentiality.
8. DESC shall establish guidelines for its employees and representatives to follow with regard to complying with this subsection.
9. No employee may use Customer Information to market or sell any product or service to DESC's Customers, except in support of a Commission-approved rate schedule or program or a marketing effort managed and supervised directly by DESC.
10. Employees with access to the Customer Information must be prohibited from making any improper indirect use of the data, including directing or encouraging any actions based on the Customer Information by employees that do not have access to such information, or by other employees of Dominion Energy or other Affiliates or Non-Regulated utility operations of DESC.
11. Should any inappropriate disclosure of DESC Customer Information occur at any time, DESC shall promptly file a statement with the Commission describing the circumstances of the disclosure, the Customer Information disclosed, the results of the disclosure, and the steps taken to mitigate the effects of the disclosure and prevent future occurrences.

Company Response. DESC failed to provide to the Commission any specific rationale for why ORS's proposed addition did not reflect the content and intention of Commission Order 2018-804(A). Further, the Company did not provide any material support as to how this addition would contribute to unjustified "burden and expense."

ORS Response. South Carolina customers should benefit from transparent requirements that outline how customer information may be shared between DESC and its affiliates.

ORS Proposed Addendum #5: Complaint Procedure

ORS proposed the inclusion of a complaint procedure provision similar to that in the North Carolina Code of Conduct for DENC and PSNC. This clause outlines provisions for how these companies will resolve complaints that may arise due to the relationship of these companies with DESC, other Affiliates, and Non-Regulated utility operations. In this section, the NCUC explicitly states that the presence and use of these complaint procedures do not supersede or affect a complainant's right to file a formal complaint with the NCUC or the Public Staff of the NCUC. ORS concluded that a similar provision in this Code of Conduct for DESC would aid in the transparent resolution of customer concerns and complaints.

ORS recommended the inclusion of the following language with respect to this provision:

1. Procedures – DESC shall establish procedures to resolve potential complaints that arise due to the relationship of DESC with Dominion Energy, the other Affiliates, and the Non-Regulated utility operations. The complaint procedures shall provide for the following:
 - a. Verbal and written complaints shall be referred to a designated representative of DESC.
 - b. The designated representative shall provide written notification to the complainant within fifteen (15) days that the complaint has been received.
 - c. DESC shall investigate the complaint and communicate the results or status of the investigation to the complainant within sixty (60) days of receiving the complaint.
 - d. DESC shall each maintain a log of complaints and related records and permit inspection of documents (other than those protected by the attorney/client privilege), by the Commission, or the ORS.
2. Notwithstanding the provisions of Part 1 of this subsection., any complaints received through the Dominion Energy Compliance Line (or its successor), which is a confidential mechanism available to the employees of the Dominion Energy holding company system, shall be handled in accordance with procedures established for the Dominion Energy Compliance Line.
3. Commission – These complaint procedures do not affect a complainant’s right to file a formal complaint or otherwise address questions to the Commission or the ORS regarding a complaint.

Company Response. DESC failed to provide to the Commission any specific rationale for why ORS’s proposed addition did not reflect the content and intention of Commission Order 2018-804(A). Further, the Company did not provide any material support as to how this addition would contribute to unjustified “burden and expense.”

ORS Response. Additional guidance related to how the Company will handle complaints increases the transparency of the resolution of the same.

ORS Proposed Addendum #6: Waiver Clause

ORS proposed striking certain language in the Waiver Clause of DESC’s proposed Code of Conduct. In Section III(E)(4) of the Code of Conduct filed by DESC in this matter, the Company retained certain language related to preserving its rights to self-advocacy as follows (emphasis added):

“In providing accurate and truthful information, DESC, without waiving its rights to self-advocacy in supporting positions in regulatory proceedings before the Commission and specifically reserving all of its rights under the law, acknowledges that it must avoid the concealment, omission, misrepresentation, or nondisclosure of any material fact or information in any proceeding or filing before the Commission or ORS.”

In discussions between ORS and the Company, ORS expressed a position that the Company's rights are automatically preserved and that there is no need to include such language in the Code of Conduct. This language diminishes the appearance of DESC's commitment to transparency and ORS recommends the Code of Conduct approved by the Commission should not include this language.

Company Response. DESC alleged in its October 17th letter that striking this language as ORS proposed would result in "multiplied . . . waiver requests" (p. 2) and contradicts ORS's position that including this language diminished the Company's commitment to transparency.

ORS Response. The Company's rights are automatically preserved, thus by insisting that this language remain in the Code of Conduct approved by this Commission, the Company appears to be promoting self-advocacy at the expense of its commitment to transparency to its customers.

ORS Proposed Addendum #7: Periodic Review

ORS proposed a periodic review of the Code of Conduct, wherein any necessary modifications or updates to the language could be made. ORS explained that such a review and adjustment, as appropriate, would ensure that the intent of the merger conditions set forth in Order No. 2018-804 are being achieved. ORS recommended the Code of Conduct be reviewed every four years with comments received by the Commission from interested customers and stakeholders by August 1 of each year, beginning on August 1, 2023.

Company Response. DESC alleged in its October 17th letter that "imposition of a requirement that the Code of Conduct be reviewed every four years . . . is wasteful and unnecessary" (p. 3).

ORS Response. ORS proposed a periodic review of the Code of Conduct for a number of reasons which include to ensure the intent of the merger conditions are achieved and to prevent an instance in which the terms of the Code of Conduct no longer fully represent the best interest of the customers and contain dated thresholds. ORS initially proposed a biennial review cycle to DESC, but in communications with DESC, the Company proposed that a two-year review period be extended to every four years. ORS agreed and extended the review period to four years. It is confusing to ORS how agreement could have been reached during the collaboration process, and then suddenly be a point of contention on the Company's part in the October 17th letter.

Other Comments and Observations

It is important for DESC's Code of Conduct to include the additions recommended by ORS to the Commission and that are consistent with DESC's own stated commitment to ethics and compliance.³ It is confusing that DESC's existing Code of Conduct provisions are beneficial for and valuable to North Carolina customers, but are unneeded for South Carolina customers. The Company's response in effect requests that this Commission provide a lower standard for its Code of Conduct in South Carolina than that to which it adheres in North Carolina.

³ <https://sustainability.dominionenergy.com/values-ethics-and-compliance/>

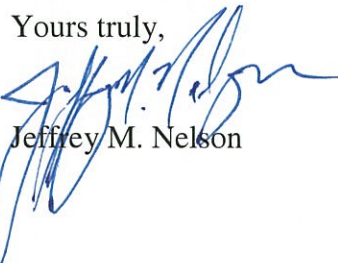
As for DESC's threat that customers would pay higher costs should the benefits afforded North Carolina customers be extended to South Carolina customers, it is the Commission that sets rates and determines whether and how much customers pay. Any costs incurred by DESC to adhere to the Code of Conduct will be reviewed in a subsequent base rate case.

DESC asserts that “ORS could point to no specific reason to adopt Additional North Carolina Provisions” and that it is “unclear how customers would benefit” from these recommendations or how the “burden and expense . . . could be justified” (p. 2). ORS, however, provided more than adequate explanations to support each of its recommendations in communications with DESC during the collaborative process, summarized the same in its letter and addendum submitted to the Commission on August 2nd, and has once again reiterated its recommendations and rationale in this letter. The Company’s assertion that these additional recommendations place an unjustifiable burden and expense on the Company, the latter of which it argues would be ultimately borne by its customers, is a means of diverting the Commission away from the ultimate intent and purpose of the Code of Conduct. This Commission tasked both DESC and ORS with the responsibility to provide a proposed Code of Conduct that would provide substantial consumer protections and establish the requirement of the utility and its officers, employees, and agents to uphold the terms of the Code of Conduct for the sake of transparency in its business operations. ORS would be remiss if it did not advocate for these additional provisions that further strengthen the Commission’s decision to have DESC develop and adhere to a new Code of Conduct.

DESC claims that ORS is engaging in “regulation expanding in a way that is disconnected from real world concerns and without tangible benefits to customers” (p. 3). In its letter of August 2nd, ORS described seven (7) proposed additions for the Commission’s review and consideration. These additions are described in detail in this letter. None of these recommendations constitute “regulation expanding,” but rather exemplify ORS’s commitment to ensuring adequate consumer protections for the citizens of South Carolina. While DESC claims to have a commitment to the transparency and openness of its operations and explicitly identifies Ethics and Compliance among its core values, DESC’s aggressive opposition to including those same protections for South Carolina customers that are already in place for North Carolina customers is troubling.

In conclusion, ORS asks that the Commission order DESC to adopt the ORS recommendations in its Code of Conduct to be filed with the Commission.

Yours truly,

A handwritten signature in blue ink, appearing to read "Jeffrey M. Nelson", is written over the typed name.

Jeffrey M. Nelson

cc: All Parties of Record (via E-mail)
Joseph Melchers, Esquire (via E-mail)